

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

THOMAS CAPPELLO	:	CIVIL ACTION
v.	:	
COMMONWEALTH OF PA., <u>et al.</u>	:	NO. 02-5019

O R D E R

AND NOW, this day of September, 2002, the Court
finding that:

- (a) By order dated August 19, 2002, this Court informed plaintiff, a prisoner at Lehigh County Prison, that in accordance with 28 U.S.C. § 1915, a prisoner bringing a civil action must pay the full amount of the \$150 filing fee;
- (b) Based upon the financial information that plaintiff submitted to the Court, he was assessed an initial partial filing fee of \$8.51. He was also advised that after the initial partial filing fee is collected and forwarded to the Clerk of Court, the Warden or other appropriate official at Lehigh County Prison or any prison at which plaintiff may be incarcerated will be directed to deduct from plaintiff's prison account, each time that the balance in plaintiff's inmate trust fund account exceeds \$10, an amount no greater than 20 percent of the money credited to plaintiff's account during the preceding month and forward that amount to the Clerk of Court until the filing fee is paid;
- (c) Because plaintiff may not have realized when he brought this civil action that he is required to pay the filing

fee, we gave him twenty (20) days to notify the Court whether he wished to discontinue this civil action;

(d) Plaintiff has informed the Court that he wishes to continue this civil action;

It is therefore ORDERED that:

1. Plaintiff, Thomas Cappello, 0076059, shall pay the filing fee of \$150;

2. Plaintiff is assessed an initial partial filing fee of \$8.51. The Warden or other appropriate official at Lehigh County Prison or at any prison at which plaintiff may be incarcerated is directed to deduct \$8.51 from plaintiff's inmate trust fund account and forward that amount to be credited to Civil Action No. 02-5019, to the following address:

Clerk of the United States District Court
for the Eastern District of Pennsylvania,
601 Market Street, Room 2609,
Philadelphia, PA 19106

3. The Warden or other appropriate official at Lehigh County Prison or at any prison at which plaintiff may be incarcerated shall, after the initial partial filing fee is collected and until the full filing fee is paid, deduct from plaintiff's account, each time that plaintiff's inmate trust fund account exceeds \$10, an amount no greater than 20 percent of the money credited to his account during the preceding month and forward that amount, to be credited to Civil Action No. 02-5019, to the address provided above in ¶2;

4. The Clerk is directed to forward a copy of this order to the Warden of Lehigh County Prison; and

5. The Clerk shall REOPEN this case statistically.

BY THE COURT:

J. CURTIS JOYNER, J.